

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1-151 (Canceled)

152. (New) An isolated nucleic acid comprising a gene expression controlling region that comprises a nucleotide sequence having at least 90% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

153. (New) The isolated nucleic acid of Claim 152 wherein the gene expression controlling region comprises a sequence having at least 95% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

154. (New) The isolated nucleic acid of Claim 152 wherein the gene expression controlling region comprises a sequence having at least 99% identity to nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

155. (New) The isolated nucleic acid of Claim 152 wherein the gene expression controlling region comprises the sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

156. (New) The isolated nucleic acid of Claim 152 comprising a nucleotide sequence encoding a polypeptide.

157. (New) The isolated nucleic acid of Claim 152 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

158. (New) The isolated nucleic acid of Claim 152 comprising a polyadenylation signal sequence.

159. (New) The isolated nucleic acid of Claim 152 wherein the polyadenylation signal sequence is an SV40 virus polyadenylation signal sequence.

160. (New) The isolated nucleic acid of Claim 152 wherein the nucleic acid molecule comprises a vector.

161. (New) The isolated nucleic acid of Claim 160 wherein the vector is a virus.

162. (New) The isolated nucleic acid of Claim 160 wherein the vector is an expression vector.

163. (New) The isolated nucleic acid of Claim 152 comprising an origin of replication.

164. (New) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under stringent conditions to a nucleic acid molecule having the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

165. (New) An isolated eukaryotic cell comprising an expression vector which includes a gene expression controlling region comprising a nucleotide sequence that hybridizes under stringent conditions to a nucleic acid molecule containing the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement.

166. (New) The host cell of Claim 165 wherein the cell is an avian cell.

167. (New) The host cell of Claim 165 wherein the cell is a chicken cell.

168. (New) The host cell of Claim 165 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

169. (New) A method of expressing a polypeptide in an isolated host cell in culture comprising:

introducing into a host cell a gene expression controlling region comprising a nucleotide sequence that hybridizes under moderate stringency conditions to a nucleic acid molecule containing the nucleotide sequence of nucleotides 1115 to 1626 of SEQ ID NO: 1 or its complement operably linked to a nucleotide sequence encoding a polypeptide; and

maintaining the host cell under conditions suitable for expression of the polypeptide under the control of the gene expression control region.

170. (New) An isolated nucleic acid comprising a gene expression controlling region that comprises a nucleotide sequence having at least 90% identity to SEQ ID NO: 1 or its complement.

171. (New) The isolated nucleic acid of Claim 170 wherein the gene expression controlling region comprises a sequence having at least 95% identity to SEQ ID NO: 1 or its complement.

172. (New) The isolated nucleic acid of Claim 170 wherein the gene expression controlling region comprises a sequence having at least 99% identity to SEQ ID NO: 1 or its complement.

173. (New) The isolated nucleic acid of Claim 170 wherein the gene expression controlling region comprises the sequence of SEQ ID NO: 1 or its complement.

174. (New) The isolated nucleic acid of Claim 170 comprising a nucleotide sequence encoding a polypeptide.

175. (New) The isolated nucleic acid of Claim 170 wherein the nucleotide sequence encoding a polypeptide is codon optimized for protein expression in an avian.

176. (New) The isolated nucleic acid of Claim 170 comprising a polyadenylation signal sequence.

177. (New) The isolated nucleic acid of Claim 170 wherein the polyadenylation signal sequence is an SV40 virus polyadenylation signal sequence.

178. (New) The isolated nucleic acid of Claim 170 wherein the nucleic acid molecule comprises a vector.

179. (New) The isolated nucleic acid of Claim 178 wherein the vector is a virus.

180. (New) The isolated nucleic acid of Claim 178 wherein the vector is an expression vector.

181. (New) The isolated nucleic acid of Claim 170 comprising an origin of replication.

182. (New) An isolated nucleic acid comprising a gene expression controlling region comprising a nucleotide sequence that hybridizes under stringent conditions to a nucleic acid molecule having the nucleotide sequence of SEQ ID NO: 1 or its complement.